

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1677V

(not to be published)

JANET SINCEBAUGH,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 26, 2023

Special Processing Unit (SPU);
Attorney's Fees and Costs

Emily Beth Ashe, Anapol Weiss, Philadelphia, PA, for Petitioner.

Jamica Marie Littles, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On November 24, 2020, Janet Sincebaugh filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that she suffered a shoulder injury related to vaccine administration a defined Table injury, after receiving the influenza vaccine on October 30, 2018. Petition at 1. On Sept. 20, 2022, I issued a decision awarding compensation to Petitioner based on the parties' stipulation. ECF No. 38.

Petitioner has now filed a motion for attorney's fees and costs, requesting an award of \$22,316.84 (representing \$21,641.00 for attorney's fees and \$675.84 for attorney's costs). Petitioner's Application for Attorney's Fees and Costs ("Motion") filed Apr. 13,

¹ In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

2023, ECF No. 42. In accordance with General Order No. 9, Petitioner filed a signed statement indicating that she incurred no out-of-pocket expenses. ECF No. 42-3. Respondent did not file a response to Petitioner's motion.

The rates requested for work performed through the end of 2022 are reasonable and consistent with our prior determinations, and will therefore be adopted. Petitioner has also requested 2023 hourly rates for Anapol Weiss attorneys performing work in this matter: \$370 per hour for work performed by attorney Emily Ashe – representing a rate increase of \$20; and \$400 per hour for work performed by attorney Miriam Barish – representing a rate increase of \$20. Motion at 5-7. I find these hourly rates to be reasonable and will award the attorney's fees requested. (And all time billed to the matter was also reasonably incurred). Furthermore, Petitioner has provided supporting documentation for all claimed costs. Attachment to motion at 21-43.

The Vaccine Act permits an award of reasonable attorney's fees and costs for successful claimants. Section 15(e). Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. I award a total of **\$22,316.84 (representing \$21,641.00 for attorney's fees and \$675.84 in costs) as a lump sum in the form of a check jointly payable to Petitioner and Petitioner's counsel, Emily B. Ashe.**

In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk of Court shall enter judgment in accordance with this Decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.